

## Declaration for Patent Application

Docket Number: 1735.0440001/RWE/BEC

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled Substituted Nicotinamides and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof, the specification of which is attached hereto unless the following box is checked:

was filed on \_\_\_\_\_; as United States Application Number or PCT International Application Number \_\_\_\_\_; and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)	Priority	Claimed
<u> </u>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<u> </u>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<u> </u>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<u> </u>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

<u>60/177,648</u>	<u>January 27, 2000</u>
(Application No.)	(Filing Date)

<u> </u>	<u> </u>
(Application No.)	(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u> </u>	<u> </u>	<u> </u>
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
<u> </u>	<u> </u>	<u> </u>
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

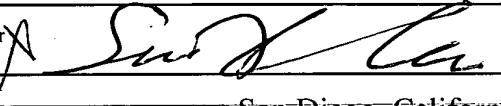
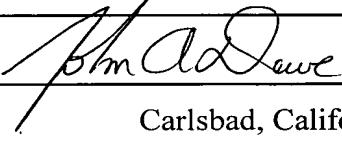
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Direct Telephone Calls to:

(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Sui Xiong Cai	
Signature of sole or first inventor		01/24/01 Date
Residence	San Diego, California	
Citizenship	United States of America	
Mailing Address	3623 Berryfield Court	
	San Diego, California 92130	
Full name of second inventor	John A. Drewe	
Signature of second inventor		01/24/01 Date
Residence	Carlsbad, California	
Citizenship	United States of America	
Mailing Address	7069 Murillo Lane	
	Carlsbad, California 92009	

(Supply similar information and signature for subsequent joint inventors, if any)

## POWER OF ATTORNEY FROM ASSIGNEE

Cytovia, Inc., a corporation of Delaware, having a principal place of business at 6650 Nancy Ridge Drive, San Diego, California 92121, is assignee of the entire right, title and interest for the United States of America (as defined in 35 U.S.C. § 100), by reason of an Assignment to the Assignee executed on January 24, 2001 of an invention known as Substituted Nicotinamides and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof (Attorney Docket No. 1735.0440001/RWE/BEC), which is disclosed and claimed in a patent application of the same title by the inventor(s) Sui Xiong Cai and John A. Drewe (said application filed on (Herewith) at the U.S. Patent and Trademark Office, having Application Number (To be assigned)).

The Assignee hereby appoints the following U.S. attorneys to prosecute this application and any continuation, divisional, continuation-in-part; or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith: Robert Greene Sterne, Esq., Reg. No. 28,912; Edward J. Kessler, Esq., Reg. No. 25,688; Jorge A. Goldstein, Esq., Reg. No. 29,021; Samuel L. Fox, Esq., Reg. No. 30,353; David K.S. Cornwell, Esq., Reg. No. 31,944; Robert W. Esmond, Esq., Reg. No. 32,893; Tracy-Gene G. Durkin, Esq., Reg. No. 32,831; Michele A. Cimbala, Esq., Reg. No. 33,851; Michael B. Ray, Esq., Reg. No. 33,997; Robert E. Sokohl, Esq., Reg. No. 36,013; Eric K. Steffe, Esq., Reg. No. 36,688; Michael Q. Lee, Esq., Reg. No. 35,239; Steven R. Ludwig, Esq., Reg. No. 36,203; John M. Covert, Esq., Reg. No. 38,759; and Linda E. Alcorn, Esq., Reg. No. 39,588. The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send correspondence to:

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FOR: Cytovia, Inc.

SIGNATURE: Ben Y. Tseng

BY: Ben Y. Tseng, Ph.D.

TITLE: Vice President, Biology

DATE: January 24, 2001

**Certificate Under 37 C.F.R. § 3.73(b)**

Applicant/Patent Owner: Sui Xiong Cai and John A. Drewe

Application No./Patent No.: (to be assigned) Filed/Issue Date: (Herewith)  
Entitled: Substituted Nicotinamides and Analogs as Activators of Caspases and Inducers of Apoptosis  
and the Use Thereof

Cytovia, Inc., a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest, or
2.  an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. [X] An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

OR

B. [ ] A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (*i.e.*, the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: January 24, 2001

Name: Ben-Y. Tseng, Ph.D.

Signature: 